IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.282 OF 2003
(For condonation of Delay)
IN
LETTERS PATENT APPEAL STAMP NO. 48416 OF 2002
IN
WRIT PETITION NO.3691 OF 2001

ALONG WITH

LETTERS PATENT APPEAL STAMP NO.48416 OF 2002

The Executive Engineer,
Karanjvan Dam Department,
Trimbak Road, Nasik-2. Applicant
vs.
Nivruti Gangadhar Kasabe Respondent

Mr.S.R.Nargolkar, A.G.P. for the applicant.

CORAM : R. M. LODHA &
R. S. MOHITE,JJ.

DATED : 27th April 2005

P.C.

Heard Mr.S.R.Nargolkar, the learned A.G.P.

2. Aggrieved by the order of the learned Single Judge passed on 25.02.2002 an appeal has been preferred by the Executive Engineer, Karanjvan Dam Department, Nasik on 18th December 2002. The Appeal suffers from delay of 265 days and, therefore, by the present application it is prayed that delay in filing the Letters Patent Appeal be condoned. The application reads thus:

> "1. Applicant has filed the Letters Patent Appeal against the judgment and order dated

25th February, 2002, passed by Hon'ble Mr.Justice G.D.Patil in Writ Petition No.3691 of 2001. The Applicant is aggrieved by the Judgement and order dated 25th February, 2002, the State Government has decided to file the Letters Patent Appeal. However, due to the procedure and the sanction for filing the L.P.A. is awaited and in the circumstances, there is delay in filing the said Letters Patent Appeal. The applicant states that the delay is neither intentional nor deliberate.

2. Applicant states that grave and irreparable losses would be caused to the applicant, if this Civil Application for condonation of delay is not granted. Balance of convenience, therefore, lies clearly in favour of the Applicant."

3. We are constrained to observe that with all latutide and the liberal approach, we are unable to condone the delay in the matter since the application is not only vague and unspecific, but also it does not set out any sufficient cause for condonation of delay of 265 days.

4. Application for condonation of delay is, accordingly rejected.

5. In view of rejection of application for condonation of delay, the Letters Patent Appeal stands rejected being barred by time.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)